

REMARKS

The rejection of Claim 9 under 35 U.S.C. §102(b) as anticipated by U.S. 5,342,189 (Inamura et al), is respectfully traversed. Inamura et al discloses an insert type extrusion die for making small parts for use in electrical, automotive and other industries, and particularly illustrates a die for making multi-cavity flat aluminum tubes. Inamura et al's insert type extrusion die is composed of a male member and a female member. In the device of Inamura et al, as shown in Figures 8-10 therein, a comb-shaped part 22 of the male member is inserted into the die cavity 26a of 26 of the female member and in cooperation therewith defines the cross-sectional shape of the multi-cavity flat tube extrusion (column 6, lines 37-45). Contrary to the finding by the Examiner, Inamura et al's insert type extrusion die ^{does not} comprise a pair of parallel exit slits and a plurality of exit ports located between the pair of parallel exit slits and evenly spaced along the line parallel to the pair of parallel exit slits. Figure 2 of Inamura et al does **not** depict parallel exit slits and a plurality of exit ports in the relationship required by the present claims. X
similar

If the Examiner continues to rely on Inamura et al, the Examiner is respectfully requested to identify by the particular indicia used in Inamura et al's figures, which indicia the Examiner finds represent the presently-recited parallel exit slits and plurality of exit ports.)

In the Office Action, the Examiner responds to the above arguments by stating that he has maintained the rejection "because Applicant failed to address why the instant application [sic] is not anticipated by the reference."

In reply, the Examiner's response is both non-responsive to Applicants' arguments and incorrect, and indeed, fails to comply with 37 C.F.R. § 1.104(b), which requires that the Examiner's action be complete as to all matters. Drs - why

For all the above reasons, it is respectfully requested that the rejection over Inamura et al be withdrawn.

The rejection of Claim 10 under 35 U.S.C. §102(b) as anticipated by U.S. 5,269,995 (Ramanathan et al), is respectfully traversed. Ramanathan et al discloses a process and apparatus for the coextrusion of a multi-layer polymeric body which incorporates protective boundary layers into the body, protecting the layers from instability and breakup during layer formation and multiplication, which process includes the steps of providing at least first and second streams of heat plastified extrudable thermoplastic material which are combined to form a composite stream having the first substreams and second substreams interdigitated, and wherein a third stream of heat plastified thermoplastic material is supplied to the exterior surfaces of the composite stream to form protective boundary layers adjacent the walls of the coextrusion apparatus through which the heat plastified polymer streams pass (Abstract).

Ramanathan et al's invention addresses a problem in what is known as microlayer coextrusion technology in which a multilayered body is extruded in which each layer is generally parallel to the major surface of adjacent layers (column 1, lines 11-45).

Ramanathan et al does not disclose an extrusion die comprising a pair of parallel exit slits and a plurality of exit ports located between the pair of parallel exit slits and evenly spaced along a line parallel to the pair of parallel exit slits. Nor is the Examiner correct that Claim 10 is a product-by-process claim. Rather, Claim 10 simply characterizes the claimed extrusion die as one adapted ^{with use} for producing a multilayer plastic composite, having the structure recited therein, by the method recited therein. ^{DTS} The Examiner has not identified how the ^{article} apparatus of Ramanathan et al could possibly be used in a method to form the product recited in Claim 10, which would have an appearance on the order of that shown in Figures 1 or 2 herein. Indeed, as discussed above, Ramanathan et al's process and apparatus forms a

multilayer product wherein the layers are generally parallel to the major surface of adjacent layers, and disclose and suggest nothing with regard to any discontinuity, as required by Claim 10.

In the Office Action, the Examiner responds to the above arguments identically to the way the arguments were responded to in the rejection over Inamura et al, *supra*. Applicants' reply therein applies herein as well.

For all the above reasons, it is respectfully requested that the rejection over Ramanathan et al be withdrawn.

The rejection of Claims 9, 11 and 14-17 under 35 U.S.C. § 103(a) as unpatentable over Inamura et al in view of Ramanathan et al, is respectfully traversed. The disclosures and deficiencies of Inamura et al and Ramanathan et al have been discussed above. Neither reference corrects the deficiencies of the other. Indeed, no apparent relationship is seen between these two references. While the Examiner finds that Inamura et al and Ramanathan et al "are analogous art because they are both from the field of multi-component articles", this provides no motivation to combine them. Moreover, even if combined, the result would still not be the presently-claimed invention. Nor is Claim 11 a product-by-process claim. Rather, the language "adapted for . . ." in Claim 11 is a limitation on the claimed extrusion die itself. In other words, if such a multilayer plastic composite cannot be formed from the claimed extrusion die, that extrusion die is not covered by the claim.

For all the above reasons, it is respectfully requested that the rejection over Inamura et al in view of Ramanathan et al be withdrawn.

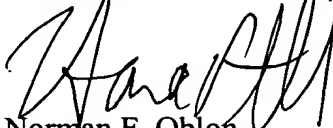
Applicants gratefully acknowledge the Examiner's indication of allowability of Claims 12-13 and 18-21. Nevertheless, Applicants respectfully submit that all of the

presently pending claims in this application are in immediate condition for allowance.

Accordingly, the Examiner is respectfully requested to pass this application to issue.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Norman F. Oblon", written over the printed name.

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